

REGIONAL PLANNING COMMISSION MINUTES

The Humboldt County Regional Planning Commission Meeting was held on Thursday, November 14, 2013 at 5:30PM in the County Meeting room of the Humboldt County Courthouse located at 50 West Fifth Street, Winnemucca, Nevada.

COMMISSIONERS PRESENT

Giovette Cassinelli
Ray Olsen
Theresa Mavity
Lewis Trout
Stephen Nye
Vickie Rock

COMMISSIONERS ABSENT

Pam Wickkiser

STAFF PRESENT

Betty Lawrence Lenora Turney

LEGAL COUNSEL

Mike Macdonald

PUBLIC PRESENT

Joyce Sheen Betty Olsen John Milton Martha Dolan
Marlene Brissenden Mike Yeager Andrew Beyer Matt Zietlow
Cindy Ulch

I. OPENING

Theresa called the meeting to order at 5:30PM.

Theresa asked if there was anyone who wanted to make public comment. None was offered.

Theresa asked if there were any concerns or corrections for the minutes of October 10, 2013. Giovette motioned to approve the minutes for October 10, 2013; second by Stephen with Ray abstaining. Motion passed unanimously.

Theresa asked if there were any requests for postponement of agenda items. Betty indicated that no requests had been received.

Theresa read the following:

II. CONSENT AGENDA/DISCUSSION & ACTION

- A. **SN-13-09** A request to reserve a street name submitted by the Regional Street Naming Committee to name an existing 30' wide easement within Section 23, T36N, R36N, M.D.B.&M. This name was inadvertently left off of the application SN-13-04 approved by the RPC 6/13/13. The Regional Street Naming Committee recommends approval of **Kaylie Road**.

- B. **PW-13-30** A parcel map application submitted by Desert Mountain Surveying as agent for Lee Bosch & The Bosch Family Trust to parcel property along Rim Rock Road into 4 lots; assessor's parcel #016-361-12.
- C. **LP-13-03** A large parcel map application submitted by Desert Mountain Surveying as agent for All Finance LLC to divide property into 15 parcels. Subject property is located approximately 2.5 miles north of Jungo Road on Sierra Pass Road within Section 17, T36N, R36E, M.D.B.&M.; assessor's parcel #005-361-16.

Theresa asked if there were any requests for these items to be moved to the Public Hearing portion. Betty stated she would like item C. pulled down to be the first item on the Public Hearing as there are some corrections. Theresa asked if there are any other items to be pulled down by either the board or the public. Seeing none, she brought back items A. and B. to the board. Ray motioned to approve items A. and B. on the consent agenda, second by Lewis. Motion passed unanimously.

III. PUBLIC HEARING/Discussion & Possible Action

- A. **LP-13-03** A large parcel map application submitted by Desert Mountain Surveying as agent for All Finance, LLC, to divide property into 15 parcels. Subject property is located approximately 2.5 miles north of Jungo Road on Sierra Pass Road within Section 17, T36N, R36E, M.D.B.&M.; assessor's parcel #005-361-16.

Theresa read this item. Betty passed around the amended staff report and stated the correct assessor's parcel as #005-361-16. Betty addressed the conditional use permit, which exists with New West Gold Mining Project, also known as the Sandman project that is part of this property. Betty stated Mr. Trout suggested changing the verbiage for clarification regarding county roads not being maintained. There is a BLM right-of-way going thru section 20 and 32. The County does have to maintain the right-of-way; it's only maintained for the County's purpose. Betty stated Mr. Trout suggested instead of saying neither road is County maintained; that neither road is in the designated system of County maintained roads. Theresa asked if there were questions from the board and if the applicant was present. John Milton, as agent for All Finance, LLC, approached the board. Lewis gave a description of the access route to the parcel for clarification and Mr. Milton confirmed this. Theresa asked if there were any other questions from the board. Seeing none, she asked if there were any comments from the public. Seeing none, she brought this item back to the board. Lewis motioned to approve amended staff report with the parcel number #005-361-16; second by Giovette. Motion passed unanimously.

- B. **RH-13-06** A zone change request submitted by Desert Mountain Surveying as agent for Robert and Beverly Shell to change the zoning on property from RR-13 MH (Rural Ranchette 13,000 square foot minimum lot size with a mobile home overlay) to R-1-9 MH (Single-Family Residential 9,000 sq. ft. minimum lot size with a mobile home overlay). Subject property is located at 4140 Moon Lane; assessor's parcel #010-373-26&27.

Theresa read this item. John Milton, as agent for Robert and Beverly Shell approached the board. Theresa asked the board if there were any questions. Seeing none, Theresa asked Mr. Milton if he had any comments. Mr. Milton stated this application fits in with the zoning and the master plan. Theresa asked if there were any comments from the public. Seeing none, Theresa brought this item back to the board. Lewis motioned to approve this item; second by Ray. Motion passed unanimously.

- C. **RW-13-07** A zone change request submitted by John Krmptotic with KLS Planning & Design, LLC as agent for Patrick and Joyce Morrissey to change the zoning on property from RR-2.5 (Rural Ranchette 2.5 acre minimum lot size) to R-1-9 (Single-Family Residential 9,000 sq. ft. minimum lot size). Subject property is off the new extension of Offenhauser Drive, and south of the end of Stuart Street; assessor's parcel #010-148-04.

Theresa read this item. Betty stated the applicant has requested a conference call. Mr. Krmptotic and Mr. Morrissey joined the conversation via phone. Mr. Krmptotic asked Theresa if the entire commission was present. Theresa replied one Commissioner (Pam Wickkiser) was absent. Lewis stated he had a number of concerns, but would like to wait until after the board heard from the applicant and from public comment. Vickie was interested in knowing what type of utility system, septic or city water will be provided. Mr. Krmptotic stated it's in the application for the subdivision committee review and it will be tied into the city. Because this is a subdivision it will be reviewed by NDEP and Water Resources. Mr. Krmptotic stated typically in our business we will do our own water analysis, but said Steve West has the model and he will be determining where the line is, the break for pressure; there should be no issue. Theresa read the application again as there were additional members from the public join the meeting. Theresa then asked for public comment. Martha Dolan who lives on Autumn Hills Drive, part of the Offenhauser development, approached the board. She has been a resident of Winnemucca for fifteen plus years. Mrs. Dolan said her questions deal with access, erosion, lot size, water rights and waste disposal. She does not know when this is planned for development, but said the population of Winnemucca is projected to go up slightly then decrease and the need for another development is questioned. Although people are free to build and develop as they wish; to have something accepted by the master plan and then not have it developed for thirty years is a problem. There doesn't seem to be any flexibility left for the citizens to change that. Mrs. Dolan feels this happened in the Offenhauser Estates. Mrs. Dolan stated the road, which would lead into the development, is not large enough. There needs to be a plan to deal with erosion and environmental issues. A recent example was when a huge flash flood went through the O'Brien's property and the O'Brien's were blamed for it. Mrs. Dolan feels the city and the county do not have adequate facilities for waste disposal; we don't even do recycling; how can we plan for a large expansion. Water issues are a problem. Do we have adequate water and can it be kept up to standards. Mrs. Dolan stated two and a half acres is a fair lot size but thinks the average density for this development is too high. Lewis said we are not approving a specific plan of development or a specific subdivision at this time, we are considering a zone change that may or may not result in the density the applicant

has requested. A number of the issues raised by Mrs. Dolan are not being voted on. Mrs. Dolan appreciated the comments made by Mr. Trout, but stated these things tend to get away once it is approved and becomes part of the master plan. Theresa asked Mr. Krmpotic if he could hear Mrs. Dolan's concerns. Mr. Krmpotic replied yes, and stated most of the issues are related to the map. The one thing that is related is the average density. We are proposing a density of 2.6 units per acre where the master plan allows 4 units per acre. As a courtesy for staff we were asked to provide smallest lot, largest lot and the average lot size; it is factual information. Lewis asked Mrs. Dolan if she owns adjacent property to the subject property and the current zoning is RR-2.5. Mrs. Dolan said they bought the property to protect their view and have no interest at this point or maybe ever in developing the property. She opposes this application on any grounds regardless of who owns it and where she owns property. Theresa asked if there was further public comment. Seeing none, she brought it back to the board. Lewis stated he shares Mrs. Dolan's concerns regarding the historic pattern of land-use development, having smaller parcels to the north and larger parcels to the south and spoke about the different lot sizes and zoning of other adjacent properties. Lewis stated to rezone the entire parcel to 9,000 sq. ft. lots appears to be excessive. It would make more sense to have a band development approach; there is a comment in the staff report that a better fit for the area would be at least an R-1-12 zoning. Lewis stated that with the pattern of development surrounding the subject property suggests that it would justify a change in the applicant's request. Lewis explained his band of development approach; to parallel the existing Artisan development, the north 600 feet (6:02-23) which would join the new extended Offenhauser to R-1-9; the portion adjoining the Gabica property to R-1-12 and the southern part of the property should be larger. Mr. Krmpotic stated what they are asking for is more consistent with R-1-12 than R-1-9; the average lot is 12,000 sq. ft. lot. Lewis asked if that is the case then why not rezone to R-1-12 on the north half. Mr. Krmpotic stated what they have found in delivering product to the market; to have certain price points you have to have different segments to hit and you have 9,000 sq. foot lots that will have a different house type on it. It affects the cost of infrastructure and ultimately delivering it to the market. Lewis stated a Supreme Court decision *Groso vs. Lyon County*, which affirmed the authority of the county and the planning commission to approve, deny or modify proposals, because it affirms the discretionary authority within the framework of the master plan. Mike Macdonald, the Humboldt County District Attorney, stated he cautions the commission and does not share in Mr. Trout's conclusion as it relates to the Nevada Supreme Court opinion; before the commission is a zone change and not a master plan amendment. The decision tonight is to vote on this application; either recommend approval, denial or possibly a modification and to make a recommendation to the City Council. If the applicant is not interested in amending the application the commission will consider the application as presented. Lewis asked Mr. Krmpotic and Mr. Morrissey if they would entertain modifications to the zone change request. Mr. Krmpotic stated Mr. Morrissey has spent thousands of dollars; has had preliminary engineering done for hydrology, for sewer, grading of the site, grading of the road and feels they have done their homework on the lot sizes. The zoning by law conforms to the master plan. It would be a tough thing to do to go to R-1-12 on an arbitrary basis and they want to keep the request as is and would appreciate the commission's support. Lewis pointed out this particular area

may not be the best place for this kind of development based on the adjacent land uses around the property. Mr. Krmpotic stated the rationale is based on the existing zoning of Gabica and Dolan's property, but if they had a development plan there might be a zone change. Betty stated Mr. Gabica had filed parcel maps, but they were voided out as they were not filed within a year and that was for 12,000 sq. ft. lots. Mr. Macdonald stated it's dangerous to speculate as to what the property owner may or may not do and that is not relevant to this application. Lewis stated the District Attorney is correct, but what we are talking about are facts, that there had been at one time a submittal by Mr. Gabica. Mr. Macdonald stated there is nothing to prevent any of the property owners to come forward with a zone change in the future. Theresa asked Mr. Krmpotic if the application continues as written. Mr. Krmpotic stated that is correct. Theresa asked if there were any other questions or comments from the commission. Ray Olsen, reminded the board the master plan review was completed after a year and half of work. The master plan review was open for public hearing and with no comment from the public; the density did not change. Lewis stated the master plan provides for a range of zonings that comply with medium residential density and as Mr. Krmpotic pointed out the R-1-9, minimum 9,000 sq. ft. lot size, is compliant as well as the other zoning sizes. As stated in the staff report a better fit for the area would be at least R-1-12. Stephen Nye said this should be more consistent with the master plan. Mr. Krmpotic stated we are not changing the master plan and the zoning conforms. Mike Macdonald stated the master plan is medium residential density and this application conforms. Vickie Rock asked if the only roads into the property are Offenhauser and Stuart. Mr. Krmpotic said yes. Theresa stated the item we have before us is a zone change. Lewis motioned to recommend disapproval of RW-13-07; second by Stephen Nye, Vickie Rock, Lewis Trout and Stephen Nye voting to recommend disapproval; Theresa Mavity, Ray Olsen and Giovette Cassinelli voting to recommend approval. Motion failed. New motion; Lewis motioned to recommend approval of RW-13-07; second by Ray Olsen; Vickie Rock, Lewis Trout and Stephen Nye voting to recommend disapproval; Theresa Mavity, Ray Olsen and Giovette Cassinelli voting to recommend approval. Motion failed. Theresa asked Mike Macdonald for guidance. He read from the city code; if the board had another meeting within 30 days it could take further action; if the board will not have a meeting within that time period, then it would constitute approval and then be considered by the City Council. Betty stated there is only one City Council meeting in December on the 17th; if the board decides to continue, the application will not be heard by the City Council until January. Theresa asked the date of the next Planning Commission meeting. Betty stated it is December 12th. Lewis made a motion to continue this item to the meeting on December 12th; second by Vickie Rock. Motion passed unanimously.

- D. **UW-12-13** A request from Alan Means as manager of New Frontier Development to extend the special use permit period an additional 30 months. Subject property is located at 4360 Rim Rock Road; assessor's parcel #016-361-16.

Theresa read this item and stated there is a memo from Mr. Means explaining the reason for this request. Lewis pointed out when Mr. Means came before the Planning Commission with his proposals for the New Frontier Development he

presented a phasing program for all of the developments, which would help maintain flexibility, when responding to changes in the market. This request keeps with this fundamental approach. Theresa agreed and asked if there were other comments from the board. Seeing none, she asked if there were comments from the public. Seeing none, Theresa asked for a motion. Lewis motioned to approve this item; second by Ray. Motion passed unanimously.

- E. **UH-13-19** A conditional use permit application submitted by Matt Zietlow as Environmental Manager of Goldcorp/Marigold Mining Company to add property to the existing mine project (UH-88-08). The property is located 3 miles south of Valmy. Property to be added includes the following: Section 36 within T34N, R42E, M.D.B.&M; Sections 19,20,29,30,31 and a portion of Sections 28,32,33 within T34N, R43E, M.D.B.&M.; Sections 1,12,13,24 and a portion of Sections 25,36 within T33N, R42E, M.D.B.&M.; a portion of Section 6 within T32N, R43E, M.D.B.&M; Section 10 and a portion of Sections 4,6,16 within T33N, R43E, M.D.B.&M..

Theresa read this item. Lewis stated he owns stock in this company. The amount of shares is less than (6:31:35) 100 and he will not benefit any way. Additionally, Lewis stated he is a member of an organization that just received \$40,000 from Goldcorp; however he benefits no more than any other member of this organization from the funding that has been provided for the expansion of the dining hall at the Senior Center. Stephen Nye stated his son is the IT Director for Goldcorp. Stephen stated they have not and do not discuss the conditions of the company. Therefore, this would not abstain him from discussion or voting on this item. Matt Zietlow, Environmental Manager of Goldcorp/Marigold Mining Company, approached the board. Lewis stated the County Assessor noted 10 parcels in one of the sections have delinquent taxes on them. There is a mineral lease to which all of these parcels are subject that covers the mineral rights to these parcels. Lewis asked Mr. Zietlow to his knowledge is the lease in effect and is Goldcorp the current lessee of that lease. Mr. Zietlow replied yes, that is correct and our current understanding. Theresa asked if there were any other questions from the board. Stephen asked if a pad would be placed on the property. Mr. Zietlow explained this request is an administrative change to the operation boundary, and would need to know which parcel he is referring to. Theresa asked Stephen if there was a particular parcel or was it more of a general question. Stephen replied it was more of a general question. Mr. Zietlow stated the current Environmental Assessment that was just finalized by the BLM indicates there is nothing in the proposed action that relates to any new leach pads; there is a leach pad in existence at the mine property. The administrative change of a line on a map extending the plan of operations boundary does not necessarily infer any action; it simply moves the line from its current irregular shape to a line that matches either land and or mineral position. Theresa asked if there were any public comments. Seeing none, Theresa brought it back to the board. Lewis motioned to approve this item; second by Giovette. Motion passed unanimously.

IV. COMMISSION/STAFF/LEGAL COMMENTS/COMMITTEE REPORTS-Discussion & Possible Action

A. Continued review of update to Code of the West.

Theresa asked the board if there were any changes to be made, or is this the final copy. There were some corrections and discussion made by the board. Vickie stated the final copy to go before the City Council and Humboldt County Commissioners for review will have all the navigation and page numbers as this copy was still for review. Theresa asked if there were any other corrections or additions to this copy. Ray offered a suggestion that there are alternate transportation options such as Amtrak and Greyhound that serve Winnemucca. Betty asked if Vickie had updated some of the links. Vickie replied they were not updated until this review is complete. There was discussion among the board if they were satisfied with the revised edits and should it go the Humboldt County Commissioners and the Winnemucca City Council without one more review. Lewis made the motion that the revised document with the corrections discussed is reviewed by Commissioner Rock and Mrs. Lawrence and that staff be authorized to forward it to the Humboldt County Commissioners and the Winnemucca City Council. Ray disagreed and stated the board would feel more comfortable to review the document with the corrections noted one more time. Lewis withdrew his motion. Ray motioned to continue the review the Code of the West to make sure the corrections and additions are properly noted before it is sent to the Humboldt County Commissioners and the Winnemucca City Council; second by Lewis. Vickie asked if the board would like an electronic copy of the document prior to next month's meeting to verify the links, navigation and the revisions. Theresa stated it would be preferable. Ray amended his motion to include an electronic edition be sent prior to the meeting. Motion passed unanimously.

B. Report on Audio/Web Conference from 11/16/13 – Smart Growth in Small towns and Rural Areas

Betty passed around copies of the presentation. Betty stated Vickie and Lewis attended and asked if they would share comments about the conference. Lewis stated many of the things that were discussed meshed with the Winnemucca Futures Project in terms of having a long range view of the county. There were a number of case studies from other cities and counties; many of the issues overlap our county in some ways. The contact information was valuable. The EPA has a small county, small city unit concerned with development and growth in communities such as ours. It was a very helpful program to conduct smart growth. Vickie stated it was a different perspective on doing master plans focusing more on sustainability and environmental issues. Theresa asked if there were any other comments. None were offered.

V. CORRESPONDENCE/BUDGET/PERSONNEL-Discussion & Possible Action

Betty stated Lewis forwarded her a copy of an invitation to a workshop on Unmanned Aerial System Development on Monday, November 18th, from 9:00am to 3:00pm at the Fairgrounds extension office. There is a \$25.00 fee with lunch provided. Betty stated

Nevada is an ideal place to test these systems and if anyone is interested she will forward a copy of the information.

VI. PUBLIC COMMENTARY

Theresa asked if the public had any comments. Seeing none, Lewis stated he has an item he would like to address. At the October 17th water workshop meeting there were a number of experts to provide assistance. The best summary of the meeting was an article written by Joyce Sheen of the Humboldt Sun. Lewis passed around copies of the article. Lewis stated in the aftermath of the meeting there was not any guidance provided by the County Commission as to what, at the planning level, they want to explore or pursue as part of the follow up. Lewis stated he would like to ask staff to convey to the County Commission the boards desire that they provide guidance as to what direction they would like us to go. Theresa asked if there was further public comment. None was offered.

Theresa adjourned the meeting at 6:58 PM until 5:30 PM December 12, 2013.



Theresa Mavity, Chairperson

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